

RESOLUTION NO. PC25-_____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MENIFEE, CALIFORNIA APPROVING TENTATIVE TRACT MAP NO.
38652 (PLN23-0077) LOCATED NORTH OF THE BOULDER CREST WAY
AND RIDGEMOOR ROAD (APN: 341-160-010 AND 341-160-012).**

WHEREAS, on April 19, 2023, the applicant, Salvatore Provenza of Oak Hills West LLC., filed a formal application with the City of Menifee for Tentative Tract Map (TTM) No. 38552 (PLN23-0077), a subdivision of 37 lots with duplexes for a total of 74 units on a 77.6-acre parcel north of the Ridgemoor Road and Boulder Crest Way intersection. The Project proposes preserving 63.4 acres (approx. 84%) of the Project site as natural open space and constructing the duplexes on the eastern 16% of the Project site adjacent to the existing homes; and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA), an Initial Study (IS) and Mitigated Negative Declaration (MND) have been prepared to analyze and mitigate the Project's potentially significant environmental impacts; and

WHEREAS, Conditions of Approval have been prepared and attached hereto as Exhibit "A" of the resolution; and

WHEREAS, on March 26, 2025, the Planning Commission held a duly noticed public hearing on the Project, considered all public testimony as well as all materials in the staff report and accompanying documents for TTM No. 38652 and including the consideration of the IS/MND, which hearing was publicly noticed by a publication in the newspaper of general circulation, an agenda posting, on-site, and notice to property owners within 300 feet of the Project boundaries, and to persons requesting public notice; and

WHEREAS, during the hearing concerns regarding duplex compatibility, privacy for existing residential, traffic, security and individual sales versus rentals were noted by the public and Planning Commissioners; and

WHEREAS, the Project was continued to the April 23, 2025 Planning Commission Meeting to provide the applicant time to address the concerns; and

WHEREAS, on April 23, 2025, the Planning Commission held a public hearing on the Project, considered all public testimony as well as all materials in the staff report and accompanying documents; and

WHEREAS, all other legal prerequisites to the adoption of this resolution have occurred.

NOW, THEREFORE, the Planning Commission of the City of Menifee resolves as follows:

Section 1: The City of Menifee's Planning Commission hereby makes the following findings for TTM No. 38652 (PLN23-0077) in accordance with Title 7, Article

2, Chapter 7.20.090 "Findings for Approval for Tentative Maps" of the City of Menifee Subdivision Code:

Finding 1 - The proposed subdivision and the design and improvements of the subdivision is consistent with the Development Code, General Plan, any applicable specific plan, and the Menifee Municipal Code.

The Project site has a General Plan Land Use Designation of 2.1-5 dwellings per acre (du/ac). The intent of the designation established in the General Plan is residential development within the 2.1 to 5 du/ac density range. The Project is proposed at a density of 5 du/ac which is consistent with the General Plan land use designations and with the surrounding community.

The Project is consistent with the following City of Menifee General Plan policies:

- *Policy LU-1.2: Provide a spectrum of housing types and price ranges that match the jobs in the city and make it possible for people to live and work in Menifee and maintain a high quality of life.*

The subdivision is proposing an uncommon duplex product type which will add a new housing type to this area of the City. Currently there are no duplex product types in the immediate vicinity of the Project site.

- *Policy LU-1.8: Ensure new development is carefully designed to avoid or incorporate natural features, including washes, creeks and hillsides.*

The Project proposes clustering the development area on the eastern 16% of the Project site and preserving the remaining 84% as natural open space due to the infeasibility of development due to topographical features. The 84% includes the steepest slopes on the Project site while the 16% proposed to be developed is not as topographically severe. The 84% natural open space will be recorded as such on the final map preventing further development.

- *Policy LU-1.7: Ensure neighborhood amenities and public facilities (natural open space areas, parks, libraries, schools, trails, etc.) are distributed equitably throughout the city.*

While the Project is not proposing amenities such as a recreation center or tot lot, it will be preserving the existing trails on the natural open space lot for residents to use. A trailhead marker will be placed adjacent to lot 27.

- *Policy LU-1.9: Allow for flexible development standards provided that the potential benefits and merit of projects can be balanced with potential impacts.*

The Project is utilizing the Cluster Development standards from Section 9.170 to reduce the minimum lot size from 10,000 square feet to 7,200

square feet due to the topography of the site. In place of the reduced lot size, the Project will preserve 84% of the Project site as natural open space to prevent further development and preserve natural hillside features and existing trails.

Finding 2 - Consistency with the Zoning Code. The Tentative Tract Map is consistent with the zone designation map.

The Project site is zoned Low Density Residential 1 (LDR-1). The Project proposes to subdivide the site area into 37 duplex lots (74 units total) which is a permitted use within this zone. Two additional lots are proposed for basins on the southeast corner of the Project site and an additional lot for the preserved natural open space, per the Cluster Development standards of Section 9.170 of the Municipal Code.

The Project proposes a reduction in the lot area from 10,000 square feet to 7,200 square feet and the cul-de-sac frontage width from 40 feet to 35 feet in exchange for preservation of at least 25% of the Project site for natural open space. The Project will preserve approximately 84% (64 acres) of the site for natural open space. This area will be deed restricted to remain open space.

The proposed reduced minimum lot size and cul-de-sac frontage width are consistent with the LDR-2 zone and surrounding LDR-2 designated properties.

Staff has reviewed and conditioned the subdivision for consistency with subdivision ordinance requirements, streets, domestic water, fire protection, sewage disposal, and other applicable requirements. The subdivision is consistent with the development code and the Subdivision Ordinance requirements.

Finding 3 - The tentative map does not propose to divide land which is subject to a contract entered into pursuant to the California Conservation Act of 1965, or the land is subject to a Land Conservation Act contract but the resulting parcels following division of the land will be of an adequate size to sustain their agricultural use:

The proposed Project site is not under a contract entered into pursuant to the California Land Conservation Act of 1965.

Finding 4 - The site is physically suitable for the type of development and the proposed land use of the development.

The site is bounded by residential development to the east, west and south. To the north is vacant residential land. The eastern 16% of the Project site is suitable for development and is compatible with surrounding residential developments with incorporation of the Cluster Development standards of the Municipal Code. The Project proposes 74 duplexes (a permitted use within the LDR-1 zone) with a minimum 7,200 square foot lot size, consistent with the surrounding developments. The remaining 84% of the Project site

will be preserved as natural open space due to the infeasibility of developing the hillsides.

The site is suitable for tract development and is compatible with surrounding land uses. Additionally, the site has been designed to be physically suitable to accommodate the development with the proposed number of lots as well as all other proposed improvements. Therefore, the site is considered physically suitable for the type of development and the proposed land use of the site.

The Project has been reviewed by the development Departments to ensure compliance with applicable regulations, including, but not limited to City of Menifee Community Development, Engineering and Public Works, and Office of the Fire Marshal. These Departments have also provided conditions of approval as appropriate to ensure compliance with applicable regulations.

Finding 5 - The design of the subdivision and the proposed improvements, with conditions of approval, are either:

- 1. Not likely to cause significant environmental damage or substantially and avoidably injure fish or wildlife of their habitat; or**
- 2. Subject to an environmental impact report under which a finding has been made pursuant to Public Resources Code Section 21081(a)(3) that specific economic, social, or other considerations make infeasible mitigation measures or project alternatives identified in the environmental impact report.**

The TTM will not result in conditions detrimental to the public health, safety, or general welfare as designed and conditioned. An IS/MND was prepared for TTM No. 38652 and no significant impacts were identified with incorporation of standard conditions of approval and mitigation measures (as listed in the Mitigation Monitoring and Reporting Program {MMRP}). The TTM has been reviewed and conditioned by the City of Menifee Community Development, Engineering Department, Office of the Fire Marshal, and Fish and Wildlife to ensure that it will not create conditions materially detrimental to the surrounding uses.

Due to Finding No. 4-1 being applicable to this Project, Finding No. 4-2 is not applicable to this project as an IS/MND was prepared and found that the Project is not likely to cause significant environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Consistency with Multiple Species Habitat Conservation Plan (MSHCP)

The City of Menifee has two active conservation plans within the City's boundary, the Western Riverside County MSHCP, and the Stephen's Kangaroo Rat Habitat Conservation Plan (SKR-HCP). The subject site is within the jurisdiction of the SKR-HCP and the Western Riverside County MSHCP. The Project site is located inside the Stephen's Kangaroo Rat (*Dipodomys stephensi*) (SKR) Fee Area. The proposed Project is located within the boundaries of the Western Riverside County MSHCP; however, the Project is not located within a Criteria Cell or Cell Group. The Project will

be subject to the payment of fees consistent with Menifee Municipal Code Chapter 17.03 as adopted by the City of Menifee.

Finding 6 - The design of the subdivision and the type of improvements are not likely to cause serious public health problems.

The public health, safety and general welfare are protected through the Project's design, conditions of approval, and mitigation measures. The Project site is surrounded by existing single-family residences to the east west and south along with vacant residential land to the north.

The Project has been reviewed and conditioned by the City of Menifee Community Development and Engineering Departments and the Office of the Fire Marshal to ensure that it will not create conditions materially detrimental to the surrounding uses, nor will be detrimental to the public health, safety and general welfare or incompatible with other properties or land uses in the Project vicinity.

Finding 7 - The design of the subdivision provides for future passive or natural heating or cooling opportunities in the subdivision to the extent feasible.

The Project will be designed with passive or natural heating opportunities. The Project will be consistent with the Development Code and the requirements of California Code of Regulations of Title 24 and the California Green Building Standards Code, including requirements for energy efficiency, thermal insulation, and solar panels.

Finding 8 - The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, or the design of the alternate easements which are substantially equivalent to those previously acquired by the public will be provided.

The subdivision makes provisions for all existing and future easements for all utilities and public use purposes. Therefore, no conflicts with easements will occur with the design of the subdivision.

Finding 9 - The subdivision is consistent with the City's parkland dedication requirements (per the Quimby Act) as applicable, in accordance with Chapter 7.75 (Parkland Dedication and fees).

The proposed subdivision will fulfill Quimby obligations through the payment of fees.

NOW, THEREFORE, The Planning Commission of the City of Menifee makes the following findings:

1. That the Findings set out above are true and correct.

April 23, 2025

2. That the facts presented within the public record and within this resolution provide a basis to approve TTM No. 38652 subject to the Conditions of Approval set forth in Exhibit "A" to this resolution.
3. Resolution Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this resolution has been based are located at the Community Development Department – Planning Division, 29844 Haun Road, Menifee, CA 92586. This information is provided in compliance with Public Resources Code section 21081.6.

PASSED, APPROVED AND ADOPTED this the 23rd day of April 2025.

Randy Madrid, Chairman

Attest:

Rachel Valencia, Administrative Assistant

Approved as to form:

Thai Phan, Assistant City Attorney